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2. *GERMANY. (Territory under Allied Occup...)* 3

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)

THE GERMAN PRESS IN THE US OCCUPIED AREA
1945 — 1948



SPECIAL REPORT OF THE
MILITARY GOVERNOR
NOVEMBER 1948

**PREPARED BY
INFORMATION SERVICES DIVISION**

LICENSED GERMAN PRESS

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LICENSED NEWSPAPERS IN U.S. AREA OF CONTROL

AS OF 30 NOVEMBER 1948



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THE GERMAN PRESS IN THE U.S.-OCCUPIED AREA 1945 - 1948

Democratically-minded and trustworthy German editors and publishers have established a solid core of independent and democratic newspapers in the U.S. area of occupation. They have been encouraged to maintain their independence and objectivity against all attacks and to resist the encroachment of government or of other special interest groups and protect their right to bring the news of Germany and the world to the people of Germany and to comment upon it.

Controls which were imposed when the papers were first established in order to conserve scarce materials, supplies, and equipment and in order to train editors, publishers, and journalists in the tradition of a democratic, free press have been progressively lifted so that for two years at least the U.S. Zone has had a "nearly" free press. The eventual goal has been from the start an absolutely free press to the extent that this condition obtains in the United States and Great Britain or other democratic countries.

Steps have been taken by Military Government to insure tenure of newspaper publishers in the plants they now occupy for a period of five to eight years. It is believed that within that time, the publishers should be able to acquire their own plants or make satisfactory voluntary long-term arrangements with plant owners.

Publishers' and journalists' associations have been encouraged and assisted to become effective instruments in protecting and advancing the interests of the press.

Military Government has sought the passage of press laws which will protect press freedom and the right of the German people to full information on the affairs of government and in other fields and has sought to prevent the passage of laws which would hamper and restrict or destroy the right to full exercise of those freedoms.

The Establishment of a Potentially Democratic Press after Hostilities

The program planned in the field of press before V-E Day was based on the fact that the Nazis had crushed the opposition press; forced democratic editors, journalists, and publishers into exile, retirement, or concentration camps; acquired financial control of newspapers and press facilities; dictated the make-up and content of papers, and channeled all news through governmental or semi-official press agencies.

The first step was to wipe out the propaganda press which the Nazis had set up and to suspend and abolish the approximately 1,500 Nazi newspapers still being published up to V-E Day. This was done by promulgation of Military Government Law 191, which closed down existing German information services as the Allies advanced into Germany in March and April 1945. After V-E Day, this measure took effect in all of Germany occupied by the Western Allies. The second step was to fill the gap left by abolition of the newspapers and news agencies through progressive establishment of allied army publications in order that Military Government instructions and information could be communicated to the German people and in order that the news of the world and of the war, withheld or distorted for so long, could again be placed before German readers. At the same time, expert teams began the search for democratically-minded editors, journalists and publishers and seized usable Nazi printing plants, newsprint and news facilities.

As the actual licensing program of Military Government got under way, first at Aachen, before V-E Day, and then throughout all of the U.S. Zone and in Berlin, the army papers were progressively closed down, until finally only one

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remained, Die Neue Zeitung - still being published in Munich as an official Military Government zonal newspaper, with an edition published in Berlin. The licensing program, which began with establishment of the Frankfurter Rundschau on 31 July 1945, has been virtually completed. There are now 56 U.S.-licensed newspapers in the U.S. Zone and Berlin, with a combined circulation of approximately 4,200,000. ^{1/} There are competing newspapers in seven cities. The 56 newspapers own and operate cooperatively the licensed news agency, Deutsche Nachrichten Agentur (DENA), which has an incoming file of some 130,000 words daily and an outgoing news file of 30,000 words daily; a weekly feature file of 30,000 words, and a photo service.

The Military Government Mission

The mission of Military Government in the field of press, as planned and applied to date, is as follows:

1. To help democratically-minded and trustworthy German publishers and editors to build an objective, free, democratic press in the U.S. Zone in Germany and to prevent the resurgence of Nazism, militarism, racism, pan-Germanism, or nationalism in the newspaper and news agency field. ^{2/}
2. To discourage and prevent any attempt of government or special interest groups to seize control of the press.
3. To observe the operation of the German press and the DENA news agency through post-publication scrutiny with a view to assuring that the objectives in paras. 1 and 2, above, are not being disregarded.
4. To use the authority of Military Government to strengthen the economic and community position of the democratic press and safeguard it as far as possible against attempts to destroy it in order to revive a press more to the liking of Nazis, militarists, racists and nationalists, and groups whose special interests demand a subservient press.
5. To encourage an independent press, unsubsidized by any group, whether political, economic, or governmental, and to encourage factual reporting with sharp separation between news and opinion.
6. To encourage such free flow of newspapers, news agency files and correspondents throughout the whole of Germany as is compatible with the occupation and the newsprint production. ^{3/} To encourage German editors, publishers, and journalists to establish contact with publishers, editors, and journalists of other countries and to sponsor visits outside Germany as part of a reorientation and training program.
7. To conserve and channel to best use German-produced newsprint and printing plants and supplies.
8. To encourage and assist the newspaper publishers' associations to become effective instruments in protecting press interest against attack or encroachment by government or special interest groups and to encourage and assist the press to develop journalistic training projects.
9. To guard against the promulgation of laws which would hamper and harass and subvert or destroy a free press and to encourage the passage of laws which will protect press freedom and independence. (NOTE: Material set forth in points 1 to 9 is expanded on the following pages.)

^{1/} See Annex A, List of U.S.-licensed Newspapers.

^{2/} See Annex B, Information Control Regulation No. 3.

^{3/} See Annex C, ACA Directive No. 55.

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Replacement of army newspapers by licensed German newspapers was planned and carried out by the end of 1945 on the theory that only Germans could effectively reeducate and reorient the Germans. Editors, publishers, and key personnel were sought, screened, and selected on the basis of their positive and concrete records of opposition to Nazism. Responsibility was placed upon publishers for the political clearance of all but the key members of their staffs.

German Responsibility

Although it had been planned to institute a system of pre-publication censorship for a trial period, this plan was abandoned with licensing of the first newspaper at Frankfurt on 31 July 1945 and never put into effect. German publishers and editors from the beginning were made solely responsible for the content of their newspapers, but there was close post-publication scrutiny followed by verbal and written warnings, corrections, reprimands and commendations. ^{1/} The method of placing sole responsibility on German editors and publishers at an early period, together with the advice and training given by Press Officers of Military Government, led to a rapid development of the press in the U.S. area of occupation as compared with the press in other zones. The quality of the newspapers was higher, and it was possible to relax many controls at an earlier date than was possible in the other zones as the U.S.-licensed publishers proved more and more capable of accepting the responsibility given them.

The attempt was to establish real newspapers, not Military Government gazettes, since otherwise the papers would soon discredit themselves with the German people. They are German newspapers and the publishers from the first have been told that they were working toward the time when Germany would have a completely free press.

Problems Encountered in Establishing a "Nearly-Free" Press

Military Government has been guided throughout by the realization that a German press formed merely in the image of the occupier would collapse when the occupation ended. There were disadvantages. Military Government and American news had to take its place in the competitive news field with all other news. Occasionally it seemed that some German publishers and editors, taking out political "insurance" for the future, when the occupation was ended or relaxed, gave less play to Military Government and American news than the news warranted. The Director of Information Services Division called attention to this situation in December 1948 when he told the newspaper publishers: "I suggest that, in the editorial evaluation of news, the mere fact of the occupation in this specific zone should not be counted as a factor which will give the occupier less consideration than is given to others. There are other ways of demonstrating your independence." But the advantages of bringing Military Government policies in Germany into line with long-established American policies with respect to freedom of expression, free access to information, and free exchange of opinions and ideas outweighed the disadvantages even in occupied Germany. The most obvious advantage, of course, was that politically clean and courageous editors and publishers, who insisted upon their right to run independent, objective, and outspoken newspapers under an occupation, perhaps could be counted on to withstand pressure from German governmental, political, economic, and clerical groups when the occupation was relaxed or ended.

It was inevitable that there would be an early and continuous clash between the new German press and German politicians and governmental officials.

^{1/} See Annex D, Military Government Policy Instruction No. 3 and Annex E, ACA Directive No. 40.

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For twelve years prior to V-E Day there had been no independent press. All newspapers and news agencies had been creatures of the government and the dominant politicians, or they ceased to exist. There was no tradition of an independent, free, democratic press. It was this tradition of a press which would establish itself in Germany as a quasi-public institution and remain independent of political party ties and economic interests, free to bring all the news and to comment upon it, that Military Government sought to create. The attacks of German political party politicians and governmental officials upon the new German press have been sharp and bitter; their demands for a political party press insistent. Attempts have been made in the various Lands to institute a form of press censorship by setting up governmental press bureaus and channeling all governmental news through them. The right of the press to comment upon pending legislation was even challenged at one time.

Military Government has encouraged and supported the press in its protection of the right of the press and German public to full and free information on the affairs of government. General Clay stated in a letter to the Director of Military Government of Wuertemberg-Baden in March 1948: "The German newspapers were established and supported and given an extraordinary measure of freedom and responsibility because we believe that there should be a free flow of news and information to the people of Germany, particularly on matters connected with the building of democratic government. If the newspapers of the U.S. Zone fail to carry out what is a major task of any newspaper and fail to report fully on what their governments are doing, as well as what their governments are not doing, they cease to be quasi-public institutions and betray their trust. This is a two-way process, though, and I have been disturbed at various times by the failure of German governmental officials to understand that the people of Germany have a right to know what they are planning, what they are doing, and what they are failing to plan or do. At various times, German governmental officials have attempted to channel news of government through a press bureau censorship; government officials have failed to hold press conferences and meet the press frankly and freely, and have resented criticism which is the normal lot of office-holders in any democracy."

Military Government Controls and Restrictions

In order to prevent the new press from falling into the hands of political, financial, or other special interests, Military Government restricted licensing to individual Germans and banned the holding of a financial interest in the paper by persons or groups other than the licensees themselves. Because the primary desire was to establish independent papers which would not be subservient to government or special political or economic interests and also because of a shortage of newsprint, printing facilities, and supplies, Military Government banned the licensing of political party newspapers at least until a solid nucleus of an independent press could be established and also until the German economy could achieve increased production of newsprint and printing equipment.

With improvement in production, resulting from currency reform and general recovery, Military Government offered to abandon its present licensing system, contingent upon the passage of press laws in the various Lands which would protect freedom of the press and prevent government or other domination of the press. ^{1/} Thus far, only Land Bremen has passed such a law, which has not yet been approved.

In the case of the cooperative news agency, DENA, which serves 107 news-

^{1/} See Annex F for text of letter to U.S. Land Directors regarding passage of press law.

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papers and magazines, 6 radio stations, 4 German and foreign news agencies, and 26 other clients, Military Government has insisted that it maintain its objectivity and independence to an even greater extent than in the case of newspapers. For this reason, the newspaper publisher-owners of DENA have been supported in their efforts to prevent the Deutsche Post (German post office) from taking over the Hellschreiber ^{1/} broadcasting system and in their opposition to the Deutsche Post claim to a monopoly in the field of news broadcasting. DENA, which grew out of the Allied and later American news agency serving army papers, was licensed as a cooperative to the licensed publishers of the U.S. Zone and Berlin on 25 October 1946. Steps had already been taken to turn certain U.S. and captured enemy equipment which DENA had been using since the summer of 1945 over to a German state agency which assumed responsibility for sale of certain U.S. supplies to German agencies for Reichsmarks, with eventual compensation to the U.S. through export credits. Although Military Government press control officers had helped to found DENA, and had supervised its output during the first 15 months of its existence from the day of licensing, a policy of post-transmission scrutiny was established and responsibility was placed on the German management of DENA for the content of the news file. Military Government press officers remained at DENA to observe and guide its operation along accepted news agency lines and to enforce Military Government regulations until July 1948, when the Press Section staff was reduced to one press officer and his functions changed to those of observation, liaison, and assistance in training the German staff in news agency techniques. The majority of the German newspaper publisher-owners of DENA recognize that the news agency must remain independent of political domination and that the news and feature files must be objective and factual. One evidence of this is that in discussions for a merger of the British Zone news agency, Deutscher Presse Dienst (DPD), and DENA, the DENA representatives refused to entertain proposals that the Hellschreiber be turned over to the Deutsche Post and that the merged agency accept financial assistance from German government and become a semi-official governmental news agency. Military Government has stated that the question of the merger is one for determination by the Germans, subject to Military Government approval of any agreement reached.

Military Government controls in connection with the operations of the German press have been progressively relaxed throughout the past three and a half years. As indicated above, pre-publication scrutiny of papers and pre-transmission scrutiny of the DENA news file, although planned, were never put into effect. With the licensing of DENA in October 1946, restrictions on news sources were also lifted; German newspapers were permitted to use other world news agencies. Full responsibility for the content of the U.S.-licensed papers was placed upon the licensees. Within the limits of general ACA and Military Government legislation and directives, they were free to exercise their editorial judgment. All efforts to increase the number of news sources by permitting entrance of foreign news agencies and publications into Germany were encouraged and approved. All major news agencies of the United States, Great Britain, and France, as well as others from Switzerland, and other European countries, are now dealing directly or through DENA with the newspapers. The only restrictions are on disposal of the Deutsche mark earnings of the foreign news agencies in Germany. Controls have been lifted on the amount of advertising space of pages permitted per week, frequency per week, and circulation. This was a result of the derationing of newsprint which made the procurement of newsprint the problem of the publisher and no longer a concern of Military Government. Currency reform and improved production provided increased supplies of newsprint so that newspapers increased their pages per week from an average of 12 to 24 and 30 and sometimes more. There are now 20 papers appearing six times weekly, 3 five times weekly, 8 four times weekly and 25 three times weekly. What the publishers do with the newsprint they get in this regard

^{1/} Hellschreiber is a system of news dissemination by radio broadcast, which is received on a special tape in a teleprinter which translates the radio impulses into wordage, in the same manner as a teleprinter receives and types wire messages.

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is now their sole concern. The result has been a welcome increase in competition, although, for their own protection, the newspaper publishers have entered into voluntary agreements to prevent chaotic newsprint procurement. All papers plan eventually to become dailies. 1/

Newsprint Shortage

Until the summer of 1948, the shortage of newsprint was the determining factor in shaping the German press. This shortage determined the licensing program; the make-up, size, frequency and circulation of the papers; forced the imposition of controls in the allocation of paper and its use and was a key factor in selecting licensees to run the papers since it was necessary to choose several licensees with varying political points of view rather than single licensees with a single political point of view because for a long time no more than one paper could be established in a given community. Too much newsprint was required and too little was available. For three years most newspapers appeared twice or three times weekly, were restricted to 8, 12 or 14 pages weekly, were unable to fill the demand for subscriptions or for advertising, were restricted to defined circulation areas, could dispatch only a token circulation to other zones. During this period, decreased newsprint production forced two cuts in newsprint allocation which placed the newspapers below the bare minimum requirements.

The effect of all this on the development of the new German press has been almost incalculable, particularly in the task of reeducation and reorientation.

It was not until currency reform and the removal of newsprint from the rationed list of scarce German products that German newspapers could increase frequency and pages per week to the point that they could begin to function like real newspapers instead of weeklies or semi-weeklies. The new situation permitted the removal of most of the controls, including those on business and financial management, which Military Government had been forced to maintain for three years while the German economy was struggling back on its feet. Even with improvement in the newsprint situation, some papers will have to await improvement in the production of printing equipment before they can move into the daily newspaper class. Other papers have had to struggle along without sufficient trained newspaper men because it was held inadvisable to lower political standards to the point which would permit return of Nazi propagandists to key jobs in the field of journalism. First consideration was to establish on as firm a footing as possible a nucleus of democratically minded journalists who could be trusted to fight for a democratic Germany. Military Government believes that this has been done and that the removal of controls has kept pace with the progress newspaper editors and publishers have made toward full freedom and full responsibility.

Newspaper Printing Plants

One major problem which has confronted Military Government has been the question of the extent to which newspaper licensees could be protected in their possession of newspaper printing plants which were seized at the end of hostilities, put under Military Government property control, and then turned over to newspaper licensees for their use at a rental fee.

Most if not all of the newspaper licensees of the new German press were not the owners of the plants in which their papers are published. Also they were

1/ It is customary in Germany for dailies to appear six times a week (Tuesday through Sunday), with no issue on Mondays and the day after important holidays.

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unable during the Nazi regime to save enough money to invest in the needed facilities, assuming that these, in view of the ruined German economy, would have been readily available after the war.

Former Nazi owners of printing plants, hoping for eventual clearance under denazification laws and waiting for the time when they could start their own newspapers, for the most part refused to enter into contracts for purchase or use of their plants. High taxes prevented most publishers from accumulating the capital needed.

Military Government attempted to meet this problem in two ways. In 1945, all newspapers were required to pay into a special fund 20 percent of gross receipts as payment for the many services provided by Military Government. This fund eventually reached the total of some RM 58,000,000. In 1947, payment into this fund was stopped and from it grants-in-aid were made to the newspapers and to a cooperative which the publishers created for the purpose of assisting newspapers to acquire plants and equipment as the opportunity offered.

At the same time, Military Government on 1 April 1947 issued a directive, "Interim Procedure for the Retention by Property Control of Certain Properties Operated by Information Control Licensees," ^{1/} applying to property owned by former Nazis who had been exonerated by denazification tribunals or against whom sanctions were imposed which did not include confiscation of the property in question. In order to encourage the negotiation of fairly long term lease-contracts, since former Nazi owners refused to negotiate such leases, Military Government on 20 September 1947 issued a directive entitled, "Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division." ^{2/}

Under this directive, property held in property control custody was to be released as soon as voluntary leases had been executed between plant owners and publishers. A number of voluntary leases were negotiated. To meet those cases in which the former owner refused to negotiate, it was provided that mandatory leases could be imposed where it became clear that a voluntary lease could not be executed. The duration of the mandatory lease was for an initial period of five years beginning from the date of final approval of the lease, with the provision that if three months before expiration it is proved to the satisfaction of Military Government that the publisher has been unable to obtain other newspaper printing facilities and these are not available or obtainable, the lease shall be extended for an additional period of three years. Payment of a fair rental was required, with provision for revision of rental fees.

This directive induced the signing of a number of voluntary leases in the fall of 1947 and during 1948. Late in 1948, however, it became evident that many newspapers had failed to negotiate voluntary leases, and delays in the imposition of mandatory leases required a further step. Instructions were issued to impose mandatory contracts at once in all pending cases where it was clear that voluntary leases could not be negotiated immediately. In December 1948, out of the 56 newspapers in the U.S. Zone and Berlin, all but 10 newspapers were publishing under lease contracts. It was expected that of the 10, at least 3 and perhaps more could be settled on a voluntary basis. The rest were to be made mandatory before 31 January 1949. ^{3/} At the same time, Military Government, in

^{1/} See Annex G, Interim Procedure for the Retention by Property Control of Certain Properties Operated by Information Control Licensees.

^{2/} See Annex H, Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division.

^{3/} See Annex I, letter to U.S. Land Directors regarding pending leases.

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anticipation of conditions which would be created by the Occupation Statute and with a solid nucleus of a democratic press established, terminated for newspapers established in the future the property control and lease-contract procedure. Surveys have shown that there is considerable printing equipment still available for newspaper-publishing throughout the U.S. Zone for use of future newspapers which may be established.

All leases negotiated or imposed contain the provision for extension of the lease for an additional three-year period except in a few cases where a voluntary contract was negotiated for more than the eight-year total period or where the publisher was constructing his own plant and did not require the provision to be included. Most of the leases in question were negotiated in the fall of 1947 and in 1948 so that the tenure of the publisher is protected until about 1955. By this time it is expected that production of printing equipment in Germany will have greatly increased and the availability of plants or new construction will be greater. It is believed, too, that existing newspapers will be able successfully to meet competition from newly established newspapers.

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ANNEX A

U.S.-LICENSED NEWSPAPERS - 30 NOVEMBER 1948

NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
<u>BAVARIA</u>								
Sueddeutsche Zeitung	Munich	6 Oct 45	Three	18	285,200	Werner Friedmann August Schwingenstein Edmund Goldschagg Franz J. Schoenigh	Editor Pub. & Bus. Mgr. Pol. Ed. in Chief Cultural Ed.	SPD +) CSU SPD CSU +)
Hochlandbote	Garmisch- Partenkirchen	Oct 45	Three	22	53,200	Georg Lorenz Lothar Mayring	Ed. & Pub. Ed. in Chief	SPD CSU +)
Muernerberger Nachrichten	Muernberg	11 Oct 45	Three	22	190,000	Joseph E. Drexel	Ed. & Pub.	non-party lib.
Frankenpost	Hof	12 Oct 45	Three	22	85,700	Hans Seidel Tibor Yost	Publisher Exec. Ed.	SPD non-party lib.
Mittelbayerische Zeitung	Regensburg	23 Oct 45	Three	22	108,500	Karl Esser Karl Debus	Ed. & Pub. Ed. & Pub.	SPD CSU
Oberbayerisches Volksblatt	Rosenheim	26 Oct 45	Three	18	51,800	Leonhard Lang Ernst Haenisch	Publisher Ed. in Chief	SPD SPD
Schwaebische Landeszeitung	Augsburg	30 Oct 45	Three	18	166,300	Curt Frenzel	Ed. in Chief	SPD
Main Post	Wuerzburg	24 Nov 45	Three	18	99,500	Heinrich G. Merkel	Publisher	non-party cons.
Main Echo	Aschaffen- burg	24 Nov 45	Three	18	63,300	August Graef Wilhelm Engelhard	Editor Ed. & Pub.	SPD CSU +)

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NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
Donau Kurier	Ingolstadt	11 Dec 45	Three	22	66,700	Joseph Lackas	Editor	CSU +)
Der Allgaeuer	Kempten	13 Dec 45	Three	22	78,800	Caspar Rathgeb Hans Falk	Publisher Editor	CSU SPD +)
Fraenkische Presse	Bayreuth	18 Dec 45	Three	22	54,800	Julius Steeger Walter Fischer	Publisher Editor	SPD SPD
Fraenkischer Tag	Bamberg	8 Jan 46	Three	22	69,000	August Hans Brey Walter Meiss Georg Wirth	Ed. in Chief Tech. Mgr. Business Mgr.	SPD non-party CSU
Isar Post	Landshut	15 Jan 46	Three	22	64,800	Georg Pix Rich. Schlochauer	Editor Publisher	CSU SPD
Neue Presse	Coburg	25 Jan 46	Three	22	53,900	Peter Maslowski Johannes Langer	Ed. & Pub. Ed. & Pub.	SPD CSU +)
Passauer Neue Presse	Passau	5 Feb 46	Three	18	103,400	Hans Kapfinger	Ed. & Pub.	CSU +)
Fraenkische Landeszeitung	Ansbach	24 Apr 46	Three	22	74,700	Wilhelm Wiedfeld Wilhelm Mehl Georg Abel	Ed. in Chief Business Mgr. Tech. Mgr.	CSU FDP SPD
Suedost Kurier	Bad Reichen- hall	10 May 46	Three	22	55,400	Josef Felder Heinrich Haug	Editor Publisher	SPD CSU
Der Neue Tag	Weiden	31 May 46	Three	22	66,500	Anton Doeblen Victor v. Gostomski	Editor Publisher	SPD non-party cons.
Der Volkswille	Schweinfurt	15 Jul 46	Two	22	63,000	Karl J. Herz Max M. Hofmann	Publisher Editor	CSU +) SPD

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NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
Muenchner Merkur	Munich	13 Nov 46	Three	18	171,800	Hans K. Heinrich Felix Buttersack	Ed.& Pub. Ed.in Chief	CSU +) CSU +)
Niederbayerische Nachrichten	Straubing	2 Aug 47	Three	22	37,900	Albert Koenig Hans Wetzel	Editor Publisher	SPD +) CSU +)
Augsburger Tagespost	Augsburg	28 Aug 48	Three	18	51,200	Joh. Wilh. Naumann	Publisher	CSU +)
Die Abendzeitung	Munich	16 Jun 48	daily	22	36,600	Werner Friedmann	Editor	SPD +)
<u>HESSE</u>								
Darmstaedter Echo	Darmstadt	17 Nov 45	daily	32	75,200	Paul Rodemann Johann S. Dang Johann H. Reinowski	Ed.&Pub. Ed.&Pub. Ed.&Pub.	SPD CDU +) SPD
Frankfurter Neue Presse	Frankfurt	15 Apr 46	daily	30	164,000	Hugo Stenzel Leopold Goldschmidt	Ed.&Pub. Ed.&Pub.	CDU SPD
Frankfurter Rundschau.	Frankfurt	31 Jul 45	daily	34	186,650	Arno Rudert Karl Gerold-Lang	Ed.&Pub. Ed.&Pub.	non-party SPD
Fuldaer Volks- zeitung	Fulda	30 Oct 45	daily	26	56,110	Heinrich Kierzeck	Ed.&Pub.	SPD +)
Giessener Freie Presse	Giessen	2 Jan 46	daily	26	34,550	Dr. Hans Rempel Adolf Weller	Ed.&Pub. Ed.&Pub.	non-party SPD
Hessische Nachrichten	Kassel	26 Sep 45	daily	26	126,750	Wolfgang Bartels Wolfgang Poeschl Gustav Roemer	Ed.&Pub. Ed.&Pub. Ed.&Pub.	SPD non-party LDP
Kasseler Zeitung	Kassel	29 Nov 46	daily	27	49,950	Adolf Wilh. Diehl	Ed.&Pub.	SPD

NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
Offenbach Post	Offenbach	3 Jun 47	daily	30	38,700	Udo Bintz	Ed. & Pub.	LDP
Abendpost	Frankfurt	30 Sep 48	daily	30	20,000	Udo Bintz	Ed. & Pub.	LDP
Marburger Presse	Marburg	15 Sep 45	daily	26	33,700	Karl Bremer Hermann Bauer	Ed. & Pub. Ed. & Pub.	SPD LDP
Wetzlarer Neue Zeitung	Wetzlar	2 Jan 46	daily	26	45,000	Johann Eifinger Josef Huesch	Ed. & Pub. Ed. & Pub.	SPD CDU
Wiesbadener Kurier	Wiesbaden	1 Oct 45	daily	34	70,850	Fritz Otto Ulm Georg A. Mayer	Ed. & Pub. Ed. & Pub.	SPD Lib. demo.
Werra Rundschau	Eschwege	2 Jan 48	daily	24	13,817	Hans A. Kluthe	Ed. & Pub.	LDP
Waldecker Kurier	Korbach	9 Jun 48	Three	20	13,750	Ludwig Wilh. Steinkohl	Ed. & Pub.	CDU
<u>WUERTEMBERG-BADEN</u>								
Neue Wuerttember- gische Zeitung	Goeppingen	2 Aug 46	Four	20	45,260	Karl Aberle Friedrich Harzendorf	Editor Editor	SPD DVP
Rhein-Neckar Zeitung	Heidelberg	5 Sep 45	Four	24	95,102	Theodor Heuss Hermann Knorr	Pol. Editor Business Mgr.	DVP SPD
Heilbronner Stimme	Heilbronn	28 Mar 46	Three	20	58,651	Paul Distelbarth Hermann Schwerdtfeger	Editor Editor	non-party SPD
Badische Neueste Nachrichten	Karlsruhe	1 Mar 46	Four	18	90,000	Wilhelm Baur Walter Schwerdtfeger	Business Mgr. Editor	CDU SPD
Der Mannheimer Morgen	Mannheim	6 Jul 46	Four	20	86,214	E. F. Schilling von Cannstatt Karl Ackermann	Editor Editor	CDU SPD +)

NOVEMBER 1948

NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
Sueddeutsche Allgemeine	Pforzheim	29 Jul 47	Four	20	37,406	Felix Richter	Editor	SPD +)
Wuerttembergisches Zeit Echo	Schwaebisch- Hall	1 Aug 46	Four	21	37,300	Hans O. Lange	Editor	SPD +)
Stuttgarter Nachrichten	Stuttgart	12 Nov 46	Four	18	138,453	Henry Bernhard Otto Faerber Erwin Schoettle	Editor Cultural Editor Political Editor	DVP CDU SPD
Stuttgarter Zeitung	Stuttgart	17 Sep 45	Three	18	155,851	Franz Karl Maier Erich Schairer Josef Eberle	Editor Editor Cultural Editor	DVP +) SPD +) DVP +)
Fraenkische Nachrichten	Tauberbi- schofsheim	30 Jul 46	Four	20	29,177	Adolf Henning Fritz Dietz	Business Mgr. Editor	DVP non-party
Schwaebische Donau Zeitung	Ulm	10 Nov 45	Four	20	52,400	Paul Thielemann Johann Weisser Kurt Max Fried	Business Mgr. Political Editor Cultural Editor	DVP SPD DVP
Schwaebische Post	Aalen	25 Feb 48	Four	22	35,500	Carl-Edward Conrads Johannes Binkowski	Political Editor Publisher	non-party CDU
<u>BERLIN</u>								
Der Tagesspiegel	Berlin	27 Sep 45	daily exc. M.	32	240,000	Walter Karsch Edwin Redslob Erich Reger	(Members of Editorial Board	non-party SPD +) non-party
Der Abend	Berlin	10 Oct 46	daily exc. Su.	26	80,000	Hans Sonnenfeld Maximilian Mueller Jalusch	Managing Editor Chief Editor	SPD +) CDU

LICENSED GERMAN PRESS

NAME OF PAPER	CITY	DATE LICENSED	DAYS PUBLISHED WEEKLY	NO. OF PAGES WEEKLY	CIRCULATION	LICENSEES	POSITION WITH PAPER	POLITICAL AFFILIATIONS
<u>BREMEN</u>								
Weser Kurier	Bremen	15 Sep 45	Four	26	125,000	Hans Hacknack Felix v. Eckardt	Publisher Chief Editor	SPD non-party
Nordsee Zeitung	Bremerhaven	1 Jul 47	Four	26	85,000	Bruno Stoewsand Walter Gong	Publisher Chief Editor	SPD +) non-party

+) Not member of party.

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ANNEX B

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Office of the Military Governor
Berlin, Germany
APO 742

AG 010.6 (IC)

3 October 1947

SUBJECT: Revision of Information Control Regulation No. 1

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Hesse
Office of Military Government for Bremen
Office of Military Government for Berlin Sector*

*Action subject to existing agreements with other occupying powers.

Reference and rescission: Information Control Regulation No. 1, "Control of Publications, Radio Broadcasting, Films, Theaters and Music," issued early in 1945 (to implement SHAEF Military Government Law No. 191 dealing with the same subject), is hereby rescinded and the attached Regulation No. 3 is substituted therefor, effective the date of this letter. A German translation is also inclosed.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

2 Incls: a/s

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948

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MILITARY GOVERNMENT - GERMANY UNITED STATES AREA OF CONTROL

INFORMATION CONTROL REGULATION NO. 3

1. Information Control Regulation No. 1 is hereby rescinded and this revised Regulation is substituted therefore, to become effective on 3 October 1947.

2. This Regulation sets forth the conditions under which certain of the activities prohibited by Military Government Law No. 191 Amended (1) may take place.

3. No person as hereinafter defined shall conduct any of the following activities, except under a license granted by Military Government and in accordance with the provisions of such license and Military Government legislation and lawful instructions:

a. Publishing of newspapers, magazines, periodicals, books, posters, pamphlets, printed music and other publications;

b. Operation of a news service, news or photographic agency, radio broadcasting or television station or system, wired radio transmission or audiofrequency distribution system;

c. Production of a sound recording, or the production or distribution of motion picture films;

d. Arranging the public performance of operas, operettas, plays, musical comedies, ballets, pantomimes, variety, cabaret, or other performances using actors, performers but excluding the activities authorized in paragraphs f and g of Section 5 of this Regulation; serving as an agent for activities which require licenses; serving as owner or director of such activities.

4. No person shall commercially exhibit motion picture films, except after receiving written authorization from Military Government, and in accordance with Military Government legislation and lawful instructions.

5. The following activities may be performed by any person who has a classification of Group 4 or 5 under the Law for Liberation from National Socialism and Militarism, or who is not affected by the provisions of such law, or who has been previously approved by Military Government to engage in such activities, provided that such person conforms with the provisions of Section 6 of this Regulation, and all other pertinent Military Government legislation and lawful instructions:

a. Distribution, selling or lending commercially newspapers, magazines, periodicals, books, pamphlets, posters, printed music and other printed or mechanically reproduced publications or matter;

b. Printing newspapers, magazines, periodicals, books, pamphlets, posters, printed music for licensed publishers thereof and engaging in any other printing or mechanical reproduction activities;

c. Providing to licensed producers and other persons authorized by this regulation the facilities of theaters, concert halls, opera houses, outdoor stadia and other places of public entertainment;

d. Processing or printing motion picture film obtained from licensed film producers or other persons authorized by Military Government;

e. Distributing, selling or lending commercially sound recordings;

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f. Operating small travelling entertainment enterprises (ambulantes Gewerbe) which are registered under Title 3 of the German Trade Code (Gewerbeordnung), such as carnivals, side shows (Schaubuden), dance bands, and mechanical entertainment devices (ferris wheels, merry-go-rounds, shooting galleries, etc.);

g. Presenting music which is incidental to a religious service, or to other activities clearly non-musical in character, such as the sale of food or beverages, or the presentation of spoken drama by a theatrical producer who has been duly licensed by Military Government.

6. No person as hereinafter defined shall, except as may be specifically authorized by Military Government, publish, distribute, sell or lend commercially, nor print or otherwise mechanically produce or reproduce any newspaper, periodical, pamphlet, book, poster, printed music or other publication; nor shall any person present any radio, television, wired radio transmission or audio frequency distribution system program; nor shall any person sell or distribute any news or picture, nor produce, synchronize, develop, print or otherwise process or sell, rent or otherwise distribute or exhibit any motion picture film, nor produce, distribute or sell any sound recording, nor produce or conduct any entertainment or dramatic production or activity, nor present any music, which:

a. Incites to riot or resistance to Military Government, jeopardizes the occupying troops, or otherwise endangers military security;

b. Propagates former National Socialist or related "voelkisch" ideas, such as racism and race hatred, or propagates any fascist or anti-democratic ideas, or any militarist ideas, or pan-Germanism or German imperialism;

c. Constitutes a malicious attack upon policies or personnel of Military Government, aims to disrupt unity among the Allies, or seeks to evoke the distrust and hostility of the German people against any Occupying Power;

d. Appeal to Germans to take action against democratic measures undertaken by Military Government.

7. For the purposes of this Regulation, the term "person" shall include any natural person, except natural persons subject to U.S. or Allied military law, and any juristic person existing under public or private law, including associations, corporations, partnerships or governmental agencies.

8. Any person violating any of the provisions of this Regulation shall, upon conviction by Military Government Court, be liable to such lawful punishment, excepting death, as the Court may determine.

BY ORDER OF MILITARY GOVERNMENT

NOVEMBER 1948

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MILITAERREGIERUNG - DEUTSCHLAND AMERIKANISCHES KONTROLLGEBIET

NACHRICHTENKONTROLL-VORSCHRIFT NR. 3

1. Die Nachrichtenkontroll-Vorschrift Nr. 1 wird hiermit aufgehoben. An ihre Stelle tritt mit Wirkung vom 3. Oktober 1947 vorliegende abgeaenderte Vorschrift.

2. Diese Vorschrift setzt die Bedingungen fest, unter welchen bestimmte der gemass Gesetz Nr. 191 der Militaerregierung, Abaenderung 1, verbotene Taetigkeiten ausgeuebt werden koennen.

3. Die nachstehend aufgefuehrten Taetigkeiten duerfen von jemand, der im Sinne von Ziffer 7 dieser Vorschrift als "Person" gilt, nur auf Grund einer von der Militaerregierung erteilten Lizenz und in Uebereinstimmung mit den darin festgesetzten Bestimmungen sowie mit den von der Militaerregierung erlassenen Gesetzen und gesetzlichen Anweisungen ausgeuebt werden;

a. das Herausgeben von Zeitungen, Magazinen, Zeitschriften, Buechern, Plakaten, Broschueren, Noten oder sonstigen Veroeffentlichungen;

b. das Betreiben von Nachrichtendiensten, Nachrichten- oder Bildagenturen, Rundfunk- oder Fernsehsendestationen oder -netzen, Drahtfunksendern und Niederfrequenz-Uebertragungsanlagen;

c. das Herstellen von Tonaufnahmen oder die Herstellung und den Verleih von Lichtspielfilmen;

d. das Veranstellen oeffentlicher Auffuehrungen, wie Opern, Operetten, Schauspiele, Singspiele, Ballettvorstellungen, Pantomimen, Variete, Kabarett- oder andere Vorstellungen, in denen Schauspieler oder Artisten mitwirken, mit Ausnahme derjenigen Taetigkeiten, die gemass Ziffer 5 dieser Vorschrift, Absatz f und g, zulassig sind; ferner die Betaetigung als Agent lizenzpflichtiger Unternehmen und als Besitzer oder Regisseur solcher Unternehmen.

4. Die gewerbliche Vorfuehrung von Lichtspielfilmen ist nur auf Grund einer von der Militaerregierung erteilten schriftlichen Genehmigung und gemass den Gesetzen und gesetzlichen Anweisungen der Militaerregierung gestattet.

5. Unter der Voraussetzung, dass die in Ziffer 6 dieser Vorschrift festgesetzten Bedingungen sowie alle anderen einschlaegigen Gesetze und gesetzlichen Anweisungen der Militaerregierung erfuehrt sind, duerfen Personen, die gemass dem Gesetz zur Befreiung von Nationalsozialismus und Militarismus in Gruppe 4 oder 5 eingestuft worden sind, oder die von den Bestimmungen dieses Gesetzes nicht betroffen werden, oder denen die Ausuebung einer solchen Taetigkeit bereits vorher von der Militaerregierung gestattet worden ist, folgende Taetigkeiten ausueben:

a. das Vertreiben, Verkaufen oder gewerbliche Verleihen von Zeitungen, Magazinen, Zeitschriften, Buechern, Broschueren, Plakaten, Noten und sonstigen Veroeffentlichungen;

b. das Drucken von Zeitungen, Magazinen, Zeitschriften, Buechern, Broschueren, Plakaten, Noten fuer die entsprechenden lizenzierten Verleger und jede andere Art von Betaetigung auf dem Gebiet des Druckwesens oder der mechanischen Vervielfaeltigung;

c. das Zurverfuegungstellen von Theatern, Konzertraeumen, Opernhaeusern, Freilichtbuehnen und anderen oeffentlichen Unterhaltungsstaetten an lizenzierte Veranstalter oder an andere gemass dieser Vorschrift zugelassene Personen;

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d. das Verarbeiten oder Kopieren von Lichtspielfilmen, die von lizenzierten Filmherstellern oder anderen von der Militaerregierung zugelassenen Personen bezogen worden sind;

e. das Vertreiben, Verkaufen oder gewerbliche Verleihen von Tonaufnahmen;

f. das Betreiben kleiner, der Lustbarkeit dienender Wanderunternehmen, wie sie unter Titel III der deutschen Gewerbeordnung aufgefuehrt sind, z.B. Karnevale, Schaubuden, Tanzgruppen, der Lustbarkeit dienende mechanische Einrichtungen (Riesenraeder, Karusselle, Schiessbuden usw.);

g. das Darbieten von Musik im Rahmen eines Gottesdienstes oder anderer Veranstaltungen, die eindeutig keinen musikalischen Charakter tragen, wie z.B. die Verabreichung von Speisen und Getraenken oder die Auffuehrung gesprochener Theaterstuecke durch einen von der Militaerregierung ordnungsgemaess lizenzierten Theaterunternehmer.

6. Ohne die besondere Erlaubnis der Militaerregierung darf niemand, der im Sinne von Ziffer 7 dieser Vorschrift als Person gilt, Zeitungen, Zeitschriften, Broschueren, Buecher, Plakate, Noten oder sonstige Veroeffentlichungen herausgeben, vertreiben, verkaufen oder gewerbsmaessig verleihen; noch drucken oder auf andere Weise mechanisch herstellen oder vervielfaeltigen; noch Rundfunk-, Fernseh-, Drahtfunk- oder Niederfrequenz-Programme darbieten; noch Nachrichten oder Bildaufnahmen verkaufen oder vertreiben; noch Lichtspielfilme herstellen, synchronisieren, entwickeln, kopieren oder auf andere Weise verarbeiten oder verkaufen, verleihen oder auf andere Weise vertreiben oder vorfuehren; noch Tonaufnahmen herstellen, vertreiben oder verkaufen; noch eine dramatische oder der Unterhaltung dienende Vorstellung oder Darbietung vorfuehren oder leiten; noch Musikstuecke auffuehren, welche:

a. zu Unruhen oder zum Widerstand gegen die Militaerregierung aufstacheln, die Besatzungstruppen gefaehrden oder die militaerische Sicherheit auf andere Weise bedrohen;

b. die ehemals nationalsozialistische oder verwandte "voelkische" Gedanken, wie z.B. die Rassentheorie und den Rassenhass, oder faschistische oder undemokratische Anschauungen verbreiten oder den Militarismus, Pangermanismus oder den deutschen Imperialismus foerdern;

c. einen boeswilligen Angriff auf die Politik oder das Personal der Militaerregierung darstellen oder darauf abzielen, die Eintracht unter den Alliierten zu zerst hoeren, oder dazu angetan sind, das Misstrauen und die Feindseligkeit der Bevoelkerung gegenueber den Besatzungsmachten hervorzurufen;

d. die Bevoelkerung auffordern, den von der Militaerregierung ergriffenen demokratischen Massnahmen Widerstand entgegenzusetzen.

7. Fuer die Zwecke dieser Vorschrift bezeichnet der Ausdruck "Person" alle natuerlichen Personen mit Ausnahme derjenigen, die der amerikanischen oder alliierten Militaergerichtsbarkeit unterstehen, sowohl als auch alle juristischen Personen des oeffentlichen und privaten Rechts einschliesslich Vereinigungen, Gesellschaften, Koerperschaften oder Behoerden.

8. Jeder Verstoss gegen die Bestimmungen dieser Vorschrift ist strafbar, wobei das betreffende Gericht der Militaerregierung nach Ueberfuehrung des Taeters jeder gesetzliche Strafe mit Ausnahme der Todesstrafe verhaengen kann.

IM AUFTRAGE DER MILITAERREGIERUNG

NOVEMBER 1948

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ANNEX C

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Office of the Military Governor
Berlin, Germany
APO 742

AG C10.6 (IC)

17 July 1947

SUBJECT: ACA Directive No. 55

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Hesse
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Bremen
Office of Military Government for Berlin Sector

Attn: Land ICD's and Berlin Sector IC Br.

1. Attached for your compliance is ACA Directive No. 55 "Interzonal Exchange of Printed Matter and Films" signed by the Control Council on 25 June 1947, together with an instruction by the Political Directorate to the Information Committee for the implementation of Directive No. 55. Attention is directed to the fact that ACA Directive No. 55 pertains only to the distribution of information and in no way modifies ACA Directive No. 40, dealing with the content of published matter.

2. Accordingly, and pursuant to the authorization contained in para 1 of Directive No. 55, the appropriate German publishers of newspapers, magazines, periodicals, and books published in the U.S. Zone and U.S. Sector of Berlin should be informed of this authority for the free interzonal exchange of such media.

3. Any instance of confiscation or interference in other Zones with the distribution of newspapers, books, periodicals or magazines published in the U.S. Zone and U.S. Sector of Berlin should be reported through functional channels to the Director of Information Control Division, CMGUS.

4. Normal German channels of procurement and distribution will be utilized for the interzonal exchange of newspapers, books, periodicals and magazines.

5. All proposals for the distribution in the U.S. Zone of films produced elsewhere in Germany will be referred to Film, Theater and Music Branch, Information Control Division, CMGUS for approval before implementation.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

2 Incls: a/s

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948

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ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

DIRECTIVE NO. 55

INTERZONAL EXCHANGE OF PRINTED MATTER AND FILMS

1. In accordance with the decision of the Council of Foreign Ministers at Moscow to facilitate further development of the democratic German press, and in order to establish in all of Germany a free exchange of information and democratic ideas, the Allied Control Authority authorizes the free exchange of newspapers, magazines, periodicals, films and books published in the different zones of occupation and in Berlin.
2. This exchange shall not be limited by Zone Commanders except by the requirements of military security, the needs of the occupation, the necessity of ensuring that Germany carries out her obligations to the Allies and the necessity of preventing a resurgence of national socialism and militarism. Each Zone Commander will retain the right to take such measures as he may deem necessary against any publications or any persons who violate these provisions, subsequently informing the Allied Control Authority of his action; he shall in addition have the right if he so chooses, to raise the question of the application of such measures before the appropriate body of the Allied Control Authority - the Information Committee of the Political Directorate.
3. This exchange of information and democratic ideas shall not be subject to any pressure of any sort, administrative or economic, on the part of the Central Government or Land Governments.

Done at Berlin on the 25th day of June 1947.

R. NOIRET, Major General

M. I. DRATVIN, Lt. General

F. A. KEATING, Major General

B. H. ROBERTSON, Lt. General

Incl. 1

NOVEMBER 1948

LICENSED GERMAN PRESS

ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

DRAFT INSTRUCTION BY THE POLITICAL DIRECTORATE TO THE INFORMATION COMMITTEE FOR
THE IMPLEMENTATION OF THE DIRECTIVE RELATING TO THE INTERZONAL EXCHANGE OF
NEWSPAPERS AND FILMS

In order to ensure the full implementation
of Directive No. 55, the Information
Committee shall, if requested by one of
its members, promptly institute quadri-
partite investigation of any alleged
interference with the free exchange of
information and democratic ideas in
Germany. A report of the investigation
shall be forwarded to the Political
Directorate in case of disagreement over
the alleged violation and corrective action
to be taken.

Incl. 2

NOVEMBER 1948

ANNEX D

30 September 1946

Policy Instruction Number 3 to all Licensees in German Information Services

1. General

Military Government believes that free exchange of opinions and ideas is basic to the establishment in Germany of a democratic society in which the individual is conscious of his responsibilities. To this end it is the purpose of Military Government to allow increasing freedoms and responsibilities in the information services at such time and in such measure as those responsible for the operation of information services give evidence of their readiness and their fitness to assume them. The length of the phases through which the German press, theater, publishing industry, etc., must pass in order to qualify for complete freedom will therefore depend, in part, on the conduct of the licensees. Each licensee is thus a trustee for a vital part of Germany's future. In applying for and accepting a license, he has affirmed his intention to work in the public interest, to the end that freedom under democracy may be attained.

2. Freedom of Expression

Freeddom of press and of speech is encouraged, subject to the necessity for maintaining military security and the interests of Allied Military Government and preventing Nazi or militarist activity or propaganda.

a) Maintenance of Military Security

Dissemination of any type of news, information or editorial, which incites to riot or resistance to Military Government, jeopardizes the occupying troops, or otherwise endangers military security, is prohibited.

b) Nazi and Militarist Propaganda

Dissemination of Nazi and militarist propaganda, including the propagation of National Socialist or related "voelkisch" ideas, such as racism and race hatred, any Facist or anti-democratic ideas, and any militarist ideas, pan-Germanism and German imperialism is prohibited.

c) Criticism of Military Government Policies or Personnel

Dissemination of any type of news, information or editorial, which constitutes a malicious attack upon policies or personnel of Military Government, aims to disrupt unity among the Allies, or seeks to evoke the distrust and hostility of the German people against any Occupying Power, is prohibited.

3. Equitable Opportunity for Expression of Varying Points of View

Because of shortage of facilities and materials the number of licensees will necessarily be limited. Therefore, licensees will insure that equitable opportunity of expression is given all important parties and points of view, except when specifically exempted from this provision by the terms of their license, or when the nature of the medium is such that political opinions are not ordinarily expressed.

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4. Selection of Personnel

The licensee must select his personnel from among those whose past records show them to be capable of assisting in the building of a sound, democratic society in Germany. Eligibility for employment shall be governed by the law for Liberation from National Socialism and Militarism except that under no condition will any person be employed in a policy-making, editorial or other position in which he substantially influences the information presented to the German people, who has been a proved or an avowed believer in Nazism or racial and militaristic creeds, an officer in any party formation or a member of any organization found to be a war criminal by the International Military Tribunal, unless duly registered for such employment or granted special permission by the Office of Information Control.

5. Permissible Source Material

Licensees are permitted to use the services of foreign news and publishing agencies and other business enterprises licensed to do business in the U. S. Zone of Germany in accordance with the terms of their contracts with such agencies and enterprises. Subject to the provisions of German copyright law, licensees may quote or paraphrase from newspapers and periodicals licensed or otherwise authorized for sale or distribution within the U. S. Zone of Germany. Foreign radio broadcasts may likewise be quoted; in such cases the broadcast in question must be accurately transcribed and the transcription must be available for reference check.

6. Responsibility in the Use of Source Material

Licensees will be held responsible for observance of all provisions of this instruction in the use of material from foreign sources. The fact that the material is contained in a news file or publication licensed or otherwise authorized to do business in the U. S. Zone of Germany in no way constitutes relief from this responsibility. The source of all news except local reporting will be clearly identified. Where several sources are used, the source of each portion of the article must be clearly indicated. Editorials and commentaries must bear the name or initials of the author. News stories whose main appeal is sensational must be played in balance and not over-played at the expense of important but less sensational news.

7. Violations of Instructions

For violations of these instructions a licensee is subject to temporary limitation or suspension of his operations, or to revocation of his license. This action in no way prejudices the right of Military Government to take such other action and to administer such further penalties, including fine or imprisonment, as the offense may warrant.

8. This instruction supersedes all previous policy instructions to licensees which have been issued.

BY ORDER OF MILITARY GOVERNMENT.

NOVEMBER 1948

30 September 1946

Richtlinien für alle Lizenzträger im Deutschen Nachrichtenwesen

Nummer 3

1. Allgemeine Richtlinien

Die Militärregierung ist der Ansicht, daß der freie Austausch von Meinungen und Ideen der Schaffung einer demokratischen Gesellschaftsform in Deutschland, in welcher der einzelne sich seiner Verantwortlichkeit voll bewußt ist, zugrunde liegen muß. Es liegt daher in der Absicht der Militärregierung, zunehmende Freiheit und Verantwortlichkeit im Nachrichtenwesen zu einer solchen Zeit und in einem solchen Umfange einzuräumen, wie die für die Handhabung des Nachrichtenwesens Verantwortlichen ihre Bereitwilligkeit und Eignung zur Übernahme derselben bekunden.

Die Dauer der einzelnen Phasen, durch welche die deutsche Presse, das deutsche Theater und das deutsche Verlagswesen hindurchgehen müssen, um sich vollständiger Freiheit würdig zu erweisen, ist daher zum Teil von dem Verhalten der Lizenzträger abhängig. Jeder einzelne Lizenzträger ist Treuhänder für einen lebenswichtigen Teil der Zukunft Deutschlands. Durch Beantragung und Entgegennahme der Lizenz hat er seine Absicht bekundet, sich im öffentlichen Interesse zu betätigen mit dem Ziel, Freiheit in einer Demokratie zu erlangen.

2. Freiheit der Meinungsäußerung

Pressefreiheit und Redefreiheit werden unter Berücksichtigung der erforderlichen Aufrechterhaltung militärischer Sicherheit, Wahrung der Interessen der Alliierten Militärregierung und Verhütung aller nationalsozialistischen oder militaristischen Umtriebe oder Propaganda gefördert.

a) Aufrechterhaltung der militärischen Sicherheit

Die Verbreitung von Nachrichten, Mitteilungen oder Leitartikeln jeglicher Art, die zu Unruhen oder zum Widerstand gegen die Militärregierung aufreizen, die Besetzungstruppen in Gefahr bringen oder sonst die militärische Sicherheit gefährden, ist verboten.

b) Nationalsozialistische und militaristische Propaganda

Die Verbreitung von nationalsozialistischer und militaristischer Propaganda, einschließlich der Propagierung nationalsozialistischer oder verwandter „völkischer“ Ideen, wie Religions- und Rassenhaß, jeglicher faschistischer oder antidemokratischer Ideen sowie aller militaristischer Ideen, des Pan-Germanismus und deutschen Imperialismus, ist verboten.

c) Kritik an Richtlinien oder Personen der Militärregierung

Die Verbreitung von Nachrichten, Mitteilungen oder Leitartikeln jeglicher Art, die einen böswilligen Angriff auf Richtlinien oder Personen der Militärregierung darstellen, eine Störung der Einigkeit unter den Alliierten bezwecken oder versuchen, Mißtrauen und Feindseligkeiten des deutschen Volkes gegen eine der Besetzungsmächte zu erregen, ist verboten.

3. Gleiche Möglichkeit zur Äußerung verschiedener Meinungen

Infolge des Mangels an technischen Einrichtungen und Materialien kann die Zahl der Lizenzträger notwendigerweise nur beschränkt sein. Daher müssen die Lizenzträger dafür sorgen, daß allen

bedeutenden Parteien und Meinungen die gleiche Gelegenheit zur Äußerung geboten wird, es sei denn, daß die Lizenzträger auf Grund ihrer Lizenzurkunden von dieser Bestimmung ausdrücklich ausgenommen sind oder daß in dem betreffenden Nachrichtenorgan politische Meinungen gewöhnlich nicht geäußert werden.

4. Auswahl des Personals

Der Lizenzträger muß seine Mitarbeiter aus dem Kreise derjenigen wählen, die auf Grund ihrer Vergangenheit nachweislich dazu geeignet sind, an der Schaffung einer gesunden, demokratischen Gesellschaftsform in Deutschland mitzuwirken. Die Eignung zur Anstellung unterliegt dem Gesetz zur Befreiung vom Nationalsozialismus. Keinesfalls darf jedoch jemand in einer maßgeblichen, leitenden, redigierenden oder anderen Stellung, in der er die dem deutschen Volk gebotenen Nachrichten wesentlich beeinflussen kann, beschäftigt werden, der jemals erwiesener oder überzeugter Anhänger des Nationalsozialismus, einer rassischen oder militaristischen Anschauung oder Funktionär irgendeiner Parteigliederung oder Mitglied irgendeiner Organisation war, die vom Internationalen Militärgerichtshof als verbrecherisch erklärt wurde, es sei denn, daß er für eine solche Anstellung entsprechend registriert oder durch eine Sondererlaubnis des Amtes für Nachrichtenkontrolle zugelassen worden ist.

5. Zugelassenes Quellenmaterial

Lizenzträger haben die Erlaubnis, sich ausländischer Nachrichten- und Verlagsagenturen sowie anderer Unternehmen, die für die amerikanische Zone Deutschlands zugelassen sind, im Rahmen der vertraglich mit diesen Unternehmen vereinbarten Bedingungen zu bedienen. Unter Berücksichtigung der Bestimmungen des deutschen Urhebergesetzes dürfen Lizenzträger aus Zeitungen und Zeitschriften, soweit diese lizenziert oder zum Verkauf und Vertrieb in der amerikanischen Zone Deutschlands zugelassen sind, zitieren oder inhaltlich umschreiben. Aus ausländischen Rundfunksendungen darf ebenfalls zitiert werden. In solchen Fällen ist eine wortgetreue Niederschrift der betreffenden Sendung anzufertigen. Die Niederschrift ist für etwaige Nachprüfungen aufzubewahren.

6. Verantwortlichkeit bei Gebrauch von Quellenmaterial

Bei Benutzung ausländischen Quellenmaterials werden die Lizenzträger für die Einhaltung aller Bestimmungen dieser Richtlinien verantwortlich gemacht. Die Tatsache, daß das Material einer Nachrichtenquelle oder einer Veröffentlichung entstammt, die für die amerikanische Zone Deutschlands zugelassen oder sonst genehmigt ist, befreit in keiner Hinsicht von dieser Verantwortlichkeit. Die Quelle aus der die Nachrichten stammen, ist, mit Ausnahme der Lokalberichterstattung, klar anzuführen. Wenn mehrere Quellen benutzt sind, ist die Quelle eines jeden Teils des Artikels in klarer Form anzugeben. Leitartikel und Kommentare müssen mit dem Namen oder den Initialen des Verfassers gezeichnet sein. Nachrichten, die sich in erster Linie an das Sensationsbedürfnis wenden, dürfen nur in angemessenem Verhältnis zu wichtigen, wenn auch weniger sensationellen Nachrichten gebracht, jedoch nicht überbetont werden.

7. Verletzung der Vorschriften

Ein Lizenzträger kann für Verstöße gegen diese Richtlinien durch zeitweilige Einschränkung oder Stilllegung seines Betriebes oder durch Entzug seiner Lizenz bestraft werden. Dies schließt in keiner Weise das Recht der Militärregierung aus, dem Verstoß entsprechende Maßnahmen anderer Art zu ergreifen und weitere Strafen, einschließlich der Geldstrafe oder Haft, zu verhängen.

8. Hierdurch werden alle früher herausgegebenen Richtlinien für Lizenzträger außer Kraft gesetzt.

IM AUFTRAGE DER MILITÄRREGIERUNG.

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ANNEX E

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U. S.)
Office of the Military Governor
APO 742

AG 010.6 (IC)

3 February 1947

SUBJECT: ACA Directive No. 40

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Greater Hesse
Office of Military Government for Wuerttemberg-
Baden
Office of Military Government for Bremen
Office of Military Government for Berlin Sector

1. The attached Directive No. 40 of the Allied Control Authority will be implemented as follows:

a. Par 1 does not alter, but substantially repeats, present U. S. Military Government policy on German information services, as set forth in AG letter AG 000.7 (IC), "Instructions for German Information Services", under date of 30 September 1946.

b. Par 2a and 2b of ACA Directive No. 40 are to be considered substantially identical in intent with paragraphs 2a, 2b and 2c of AG letter referred to above.

c. Activities referred to in paragraphs 2c and 2d of ACA Directive No. 40 should be considered as specific examples of actions prohibited under present regulations regarding German Information services. Such activities may be prosecuted under Directive No. 40.

d. Members of German political parties should refrain from making public statements which would be prohibited publication under AG letter referred to above.

2. Violations of this Directive may be prosecuted under Sec 43 of the Military Government Ordinance No. 1 (MGR 23-214). Reports of violations will be channelled through Information Control in cases involving German information services and Civil Administration Division in cases involving members of German political parties. Prosecutions envisaged under this paragraph will be undertaken only after consultation with Office of Military Government for Germany (U.S.).

3. The Military Government Prosecutor in charge of the locality where the offense occurred will initiate proceedings when prosecution is requested by Information Control or Civil Administration Division.

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ACA Directive No. 40,
AG 000.6 (IC), OMGUS, 3 February 1947

4. Prosecution by a Military Government Court will be requested only if other sanctions (reprimand, suspension, prohibition of activity, etc.) are considered inadequate.

5. ACA Directive No. 40 should be brought to the attention of representatives of German political parties and full publicity given to it in German press and radio.

6. Further implementing instructions will be issued in the light of subsequent experience.

BY DIRECTION OF THE MILITARY GOVERNOR:



G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

1 Incl: a/s

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ALLIED CONTROL AUTHORITY

CONTROL COUNCIL

Directive No. 40

Policy to be followed by German Politicians
and the German Press

THE CONTROL COUNCIL DIRECTS AS FOLLOWS:

1. With due consideration to the necessity for maintaining military security, the German democratic parties and the German press shall be allowed to discuss freely German political problems. Comments on the policy of the Occupying Powers in Germany are allowed. The publication in the German press of factual information on world events, including informative articles taken from the foreign press is also allowed.

2. Members of German political parties and the German press must refrain from all statements and from the publication or reproduction of articles which:

a. contribute towards the spreading of nationalistic, pan-Germanic militarist, fascist or anti-democratic ideas;

b. spread rumors aimed at disrupting unity amongst the allies, or which cause distrust and a hostile attitude on the part of the German people towards any of the Occupying Powers;

c. embody criticism directed against the decisions of the Conferences of the Allied Powers on Germany or against the decisions of the Control Council;

d. appeal to Germans to take action against democratic measures undertaken by the Commanders-in-Chiefs in their zones.

3. Offenders will be prosecuted for any breach of this Directive.

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ANNEX F

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (US)
Office of the Military Governor
Berlin, Germany
APO 742

AG 000.76 (IS)

30 September 1948

SUBJECT: Legislation on Freedom of the Press.

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Hesse
Office of Military Government for Wuertemberg-Baden
Office of Military Government for Bremen

1. The question of licensing political party newspapers has once more been raised for consideration and the decision has been taken not to issue licenses for such political party newspapers. However, US Military Government is now preparing to relinquish its licensing powers in the field of newspapers, books, periodicals and other publications as soon as adequate legislation to protect the freedom of the press has been enacted in the various Laender.

2. The present US Military Government licensing system will be terminated progressively by Laender as acceptable legislation becomes effective. Moreover, it is not contemplated that a German licensing system be instituted when Military Government Licensing ceases. It will then be possible for individuals or groups, such as political parties, labor unions, religious organization or educational bodies to enter the publishing field without the necessity of obtaining a special license to publish.

3. It is, therefore, directed that you consult with the Minister-President in your Land in order to secure the enactment of legislation protecting freedom of the press. Such legislation shall apply to all products of the printing press and shall conform with Military Government policy as follows:

a. Such legislation shall implement the general guarantees of the free press as expressed in Land constitutions and shall exclude the institution of any system of special licensing not required of all other business enterprises.

b. Such legislation shall protect the press from governmental domination or domination by special interests.

c. Such legislation shall guarantee the prerogatives of a free press in obtaining and publishing information of public interest.

d. Such legislation shall guarantee that there be no arbitrary interference by the police or other administrative bodies in the free flow and dissemination of news and printed matter.

e. Such legislation shall specifically exclude the revival of honor courts, press chambers, or other forms of organized press control exercised by the Nazi Regime.

f. Such legislation shall prohibit censorship or control of the content of news and published material except through legal process in the event of a violation of existing laws regarding libel, defamation, fraud, indecency or breach of the peace (Landesfriedensbruch).

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4. It is requested that this headquarters be advised of action taken in connection with this letter and that progress be reported weekly to the Director, Information Services Division and Director, Civil Administration Division.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

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ANNEX G

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
APO 742

AG 386 (IC)

1 April 1947

SUBJECT: Interim Procedure for Retention by Property Control of Certain
Properties Operated by Information Control Licensees

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Hesse
Office of Military Government for Bremen
Office of Military Government for Berlin Sector*

*Action subject to existing agreements with other occupying powers.

1. The following interim procedure will, until further notice, be followed with respect to retention by Property Control of properties operated by Information Control registrants and licensees which are owned by persons who have been exonerated by denazification tribunals or against whom sanctions have been imposed which did not include confiscation of property.

2. You are hereby authorized and directed to retain in property control custody such owners' property as is operated by licensees of Information Control. You will release in accordance with established procedures, and will not reassume custody of such owner's property as is operated by Information Control Registrants (printers, book sellers, cinema and theater operators). Property Control, at Land level, will give prior written notice to Information Control, at Land level, of the release of properties operated by registrants where the owner is exonerated in a denazification proceeding or sanctions are imposed which do not include the confiscation of property.

3. You are hereby further authorized and directed to release to such owners in accordance with established procedures the accrued rentals, profits or other income from property operated by Information Control licensees, such as properly belong to the owners. Future rentals paid by Information Control licensees or other proceeds or income from such properties, properly belonging to such owners, will not be subject, by reason of the custody retained over the property, to property control custody or blocking control.

4. In all cases such owners will pay or assume the payment of the unamortized portion of the cost of all repairs and improvements to and all capital investments in property during the time that such properties were under property control custody or were otherwise operated by or in the interest of Military Government.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

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ANNEX H

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
Berlin, Germany
APO 742

AG 601 (IC)

20 September 1947

SUBJECT: Advance Notice of Amendment to Title 21 -
Procedure for the Retention or Taking of Property Control Custody
of Certain Properties Operated or Required for Operation by
Newspaper Licensees of the Information Control Division.

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Wuertemberg-Baden
Office of Military Government for Hesse
Office of Military Government for Bremen
Office of Military Government for Berlin Sector*

*Action subject to existing agreements with other occupying powers.

1. Reference and Rescission:

Letter, CMGUS, "Interim Procedure for Retention by Property Control of
Certain Properties Operated by Information Control Licensees," AG 386 (IC),
1 April 1947, is hereby rescinded.

2. The following procedure will, until further notice, be followed with
respect to the retention or taking of custody by Property Control of properties
operated, or required for operation, by newspaper licensees of the Information
Control Division which are owned by persons not affected by the Law for Liberation
from National Socialism and Militarism or who, being subject to the law, have
been exonerated by denazification tribunals or have received sentences which did
not include confiscation of property. The property of such an owner will not be
held in property control custody after the execution by such an owner of a voluntary
lease agreement as hereinafter described.

3. A voluntary lease between such an owner and a newspaper licensee of the
Information Control Division is to be preferred over a mandatory lease made between
a property control custodian and a newspaper licensee. You will give every encourage-
ment and opportunity to such owners and newspaper licensees to enter into voluntary
agreements. A mandatory lease will not be transacted until it is clear that a
voluntary lease is unobtainable. However, if no voluntary lease has been concluded
by thirty (30) days after the licensee's first offer to negotiate a lease, then the
presumption arises that the owner has no real intention of concluding a voluntary
lease and a mandatory (involuntary) lease will be concluded forthwith by Military
Government. The terms and conditions of voluntary leases will be determined by
the agreement of the parties to the lease except that the minimum term of the
lease shall be the same as is provided for in the case of mandatory leases. Where
an owner having voluntarily entered into a lease agreement violates the lease in
such substantial manner as to constitute a breach of the contract of lease and as
to justify its rescission, property control custody may be re-asserted over the
property and a mandatory lease thereupon made through a Property Control custodian.

4. You are hereby authorized and directed, whenever it appears that a German
owner, as described in paragraph 2 hereof, is unwilling or unable to enter into
a voluntary lease agreement, to retain or to take into property control custody the
property of such owner that is operated by, or is required for operation by, a news-

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paper licensee of the Information Control Division.

5. The duration of a mandatory lease made through a Property Control custodian will be for an initial maximum period of five (5) years beginning from the date of final approval of the lease. Such lease shall provide, however, that if, three months prior to the termination of the lease, the newspaper licensee proves to the satisfaction of Military Government that he has without success made every reasonable effort to obtain other newspaper printing facilities and that such facilities are not available or obtainable under reasonable conditions, considering all the circumstances, then the lease shall be extended for an additional period of three (3) years.

6. A mandatory lease made through a Property Control custodian shall require the payment of a fair rental by the newspaper licensee. The rental rate shall be subject to review and revision in the light of changing economy and financial conditions at the close of each 12-month period, starting with the effective date of the lease and in case of a major change, such as the introduction of a new currency, as soon as practicable after such major change takes place. The rental rate shall be fixed in conformity with applicable local ordinances or regulations of the community in which the property in question is located by mutual agreement between the parties concerned or, if they are unable to agree, by such non-judicial body or agency, consisting of persons experienced and skilled in business and commerce, which normally performs arbitration services in business and commercial disputes, or by such other methods as may be designated by Military Government.

7. In cities where only one newspaper printing plant is available and more than one Information Control newspaper licensee is established, all newspaper licensees shall have equal printing privileges or equal opportunities of management and control of the property. This shall be accomplished by either of the following methods:

a. The property shall be directly managed and operated by the Property Control custodian who will print the newspapers of the licensees upon a job contract basis. The custodian will grant equal treatment to all newspaper licensees and will fully perform his contract with such licensees before doing printing work for others.

b. The property shall be managed and operated by an independent printer who will lease the property from the Property Control custodian upon the same conditions as is provided for in the case of other mandatory leases. The independent printer shall print the papers of the newspaper licensees upon a job contract basis. The terms of the printer's lease will be such that he will be required to grant equal treatment to all newspaper licensees and to fully perform his contracts with such licensees before undertaking printing work for others.

c. The newspaper licensees will join together in the formation of a printing company or partnership in which they will all have equal capital participation. The printing company will lease the property from the Property Control custodian upon the same terms as provided for in the case of other mandatory leases.

8. The property in question may in some instances consist primarily of printing equipment suitable for general contract printing and only secondarily and in a minor part, consist of equipment suitable for the printing of a newspaper. Where that part of the equipment for newspaper printing is thus relatively small compared to that part of the equipment devoted to general printing, the owner may be allowed to remain in possession of the property and given opportunity to contract with the licensees for the printing of the newspaper on a job contract basis. Such a contract will be subject to the same conditions as apply herein to voluntary leases.

9. All mandatory leases shall contain a stipulation to the fact that the lease may be cancelled by the authority of Military Government at any time without prior notice.

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10. Where the property of an owner, described in paragraph 2 hereof, is held in property control custody solely for the purpose of making such property available through a mandatory lease to a newspaper licensee of the Information Control Division, all accrued rentals or other income, such as properly belong to the owner, shall be released to such owner. Future rentals paid by the Information Control Division licensee or other proceeds or income from such property properly belonging to the owner, will not be subject, by reason of the custody of the property, to being retained in property control custody or to blocking control under Military Government Law No. 52.

11. Upon expiration or termination of a mandatory lease the owner will pay or assume the payment of the unamortized cost of all repairs and improvements to and all capital investments in the property during such time that the property was under property control custody. All fixtures added to the property and all replacements of machines and other equipment or facilities made by the newspaper licensee shall revert to, and become the property of, the owner. All mandatory leases shall contain provisions to this effect. This letter is advance notice of amendment to Title 21.

BY DIRECTION OF THE MILITARY GOVERNOR:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

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This is the German Translation of "Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division." AG 601 (IC), CMGUS, 20 September 1947.

AMT DER MILITAERREGIERUNG FUER DEUTSCHLAND (U.S.)
Amt des Militaergouverneurs
Berlin, Deutschland
APO 742

Aktenzeichen AG 601 (IC)

20. September 1947

BETRIFFT: Vorankündigung der Revision des Titel 21 - Verfahren fuer die Beibehaltung oder Einfuehrung der Verwaltung durch das Amt fuer Vermoegenskontrolle (Property Control) hinsichtlich gewisser Vermoegenswerte, die fuer Betriebe von Zeitungslizenztraegern der Information Control Division gebraucht werden oder erforderlich sind.

AN : die Leitung der folgenden Aemter:

Amt der Militaerregierung fuer Bayern
Amt der Militaerregierung fuer Wuerttemberg-Baden
Amt der Militaerregierung fuer Hessen
Amt der Militaerregierung fuer Bremen
Amt der Militaerregierung fuer den Sektor von Berlin*

*Etwaige Massnahmen erfolgen unter Beruecksichtigung bestehender Vereinbarungen mit anderen Besetzungsmachten.

1. Bezugnahme und Aufhebung:

Die CMGUS Mitteilung vom 1.4.1947, AG 386 (IC): "Betreffend vorlaeufiges Verfahren fuer die Beibehaltung der Vermoegenskontrolle bei bestimmten Vermoegensobjekten, welohe dem Betrieb von Zeitungslizenztraegern der ICD dienen," wird hiermit aufgehoben.

2. Das nachstehend beschriebene Verfahren findet bis auf weiteres auf die Beibehaltung oder Einfuehrung der Verwaltung durch das Amt fuer Vermoegenskontrolle (Property Control) hinsichtlich solcher Vermoegenswerte Anwendung, die fuer Betriebe von Zeitungslizenztraegern der Information Control Division gebraucht werden oder erforderlich sind, und die Personen gehoeren, welohe nicht durch das Gesetz fuer die Befreiung von Nationalsozialismus und Militarismus betroffen sind oder die zwar von diesem Gesetz betroffen sind, aber durch eine Spruchkammer entlastet oder im Urteil nicht zur Vermoegenseinzuehung verurteilt worden sind. Vermoegen derartiger Eigentuemer ist der Verwaltung durch das Amt fuer Vermoegenskontrolle nicht mehr unterworfen, sobald der betreffende Eigentuemer eine freiwillige Pachtvereinbarung, wie im nachstehenden naeher ausgefuehrt, abgeschlossen hat.

3. Eine freiwillige Verpachtung seitens eines solchen Eigentuemers an einen Zeitungslizenztraeger der Information Control Division verdient den Vorzug gegenueber einem Zwangspachtvertrag zwischen einem Treuhaender des Amtes fuer Vermoegenskontrolle und einem Zeitungslizenztraeger. Abschluesse derartiger freiwilliger Vereinbarungen zwischen solchen Eigentuemern und Zeitungslizenztraegern sollen in jeder Weise gefoerdert werden. Ein Zwangspachtvertrag darf erst dann abgeschlossen werden, wenn es offensichtlich ist, dass ein freiwilliger Pachtvertrag nicht erreicht werden kann. Wird jedoch ein freiwilliger Pachtvertrag nicht innerhalb von 30 Tagen, nachdem der Lizenztraeger sich erstmals zu Verhandlungen ueber eine Pacht erboten hat, abgeschlossen, so besteht die Vermutung, dass der Eigentuemer in Wirklichkeit nicht die Absicht hat, einen Pachtvertrag freiwillig abzuschliessen. In diesem Falle schliesst die Militaerregierung unverzueglich einen nicht in freier Uebereinkunft vereinbarten Zwangspachtvertrag ab. Die Bedingungen fuer eine freiwillige Verpachtung sind von den Vertragspartnern durch Vereinbarung festzulegen, jedoch muss ein derartiger Pachtvertrag fuer die gleiche Mindestdauer laufen, die fuer einen

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Zwangspachtvertrag vorgesehen ist. Verletzt ein Eigentümer, der eine freiwillige Verpachtung abgeschlossen hat, den Pachtvertrag so erheblich, dass dies einer Verletzung des Pachtvertrages gleichkommt und dessen Aufhebung rechtfertigt, so kann der Vermögensgegenstand wieder unter die Verwaltung durch das Amt fuer Vermögenskontrolle gestellt und daraufhin ein Zwangspachtvertrag durch einen Treuhänder des Amtes fuer Vermögenskontrolle abgeschlossen werden.

4. Sie werden hiermit ermächtigt und angewiesen, in allen Fällen, in denen ein in Absatz 2 beschriebener deutscher Eigentümer nicht bereit oder in der Lage ist, einen freiwilligen Pachtvertrag abzuschliessen, sein Vermögen, soweit es fuer Betriebe von Zeitungslizenztraegern der Information Control Division gebraucht wird oder erforderlich ist, unter Verwaltung durch das Amt fuer Vermögenskontrolle zu belassen oder zu stellen.

5. Die Dauer eines durch einen Treuhänder des Amtes fuer Vermögenskontrolle abgeschlossenen Zwangspachtvertrages betraegt zunaechst hoechstens fueuf Jahre, beginnend mit dem Tage der endgueltigen Genehmigung des Vertrages. Ein derartiger Pachtvertrag soll jedoch die Bestimmung enthalten, dass die bestehende Zwangspacht sich um weitere drei Jahre verlaengert, wenn der Zeitungslizenztraeger drei Monate vor Ablauf des Pachtvertrages der Militaerregierung einen ueberzeugenden Nachweis daeuer erbringt, dass er trotz aller zumutbaren Bemuehungen und unter Wuerdigung aller Umstaende eine Zeitungsdruckerei anderweitig nicht hat beschaffen koennen und dass eine solche Anlage entweder nicht verfuegbar ist oder zu tragbaren Bedingungen nicht beschafft werden kann.

6. Ein durch einen Treuhänder des Amtes fuer Vermögenskontrolle abgeschlossener Zwangspachtvertrag muss eine Bestimmung ueber die Zahlung eines angemessenen Pachtzinses durch den Zeitungslizenztraeger enthalten. Die Hoehe des Pachtzinses unterliegt der Nachpruefung und Aenderung unter Beruecksichtigung von Veraenderungen in der wirtschaftlichen und finanziellen Lage. Eine derartige Nachpruefung erfolgt alle zwouelf Monate vom Tage des Inkrafttretens der Pacht an gerechnet, sowie im Falle einer erheblichen Aenderung der wirtschaftlichen Verhaeltnisse, z.B. bei Einfuehrung einer neuen Waehrung, sobald dies nach dem Eintritt einer solchen erheblichen Aenderung praktisch durchfuehrbar ist. Die Hoehe des Pachtzinses ist in Uebereinstimmung mit den oertlich geltenden Verordnungen oder Bestimmungen der Gemeinde festzusetzen, in welcher der betreffende Gegenstand gelegen ist, und zwar durch guetliche Vereinbarung zwischen den Beteiligten oder, falls keine Einigung zustande kommt, durch diejenige, aus erfahrenen, in Geschaeft und Handel geschulten Personen bestehende Stelle oder Behoerde, die ueblicherweise als Schiedsstelle fuer Streitigkeiten in Geschaefts- und Handelsachen dient, oder auf sonstige von der Militaerregierung naeher zu bezeichnende Weise.

7. In Staedten, in denen nur eine Anlage fuer den Druck von Zeitungen zur Verfuegung steht, aber mehr als ein Zeitungslizenztraeger der ICD eine Niederlassung hat, sollen alle Zeitungslizenztraeger die gleichen Druckrechte und die gleichen Moeglichkeiten fuer die Ausuebung ihres Gewerbes und der Kontrolle der betreffenden Anlage haben. Dies ist durch eine der folgenden Methoden zu bewirken:

a. Die Anlage wird unmittelbar von dem Treuhänder des Amtes fuer Vermögenskontrolle verwaltet und betrieben; dieser druckt die Zeitungen der Lizenztraeger auf Grund eines Werkvertrages. Der Treuhänder muss allen Zeitungslizenztraegern die gleiche Behandlung zuteil werden lassen und muss vor der Uebernahme von Druckarbeiten fuer andere Personen zunaechst seine vertragliche Verpflichtung gegenueber den Lizenztraegern voll und ganz erfuehlen.

b. Die Anlage wird durch einen selbststaendigen Drucker geleitet und betrieben, welcher die Anlage von dem Treuhänder des Amtes fuer Vermögenskontrolle zu den fuer andere Zwangspachtvertraege geltenden Bedingungen pachtet. Der selbststaendige Drucker hat die Zeitungen der Lizenztraeger auf Grund eines Werkvertrages zu drucken. Der Pachtvertrag des Druckers hat die Bedingung zu enthalten, dass er allen Zeitungslizenztraegern die gleiche Behandlung zuteil werden lassen muss und vor der Uebernahme von Druckarbeiten fuer andere Personen zunaechst seine vertragliche Verpflichtung gegenueber den Lizenztraegern voll und ganz zu erfuehlen hat.

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c. Die Zeitungslicenztraeger schliessen sich zu einer Druckereigesellschaft oder -gemeinschaft mit einem fuer alle Partner gleichen Kapitalanteil zusammen. Die Druckereigesellschaft hat die Anlage von dem Treuhaender des Amtes fuer Vermoegenskontrolle zu den fuer andere Zwangspachtvertraege geltenden Bedingungen zu pachten.

8. In manchen Faellen besteht die in Frage kommende Anlage in erster Linie aus Druckanlagen, die fuer allgemeine Druckereiarbeiten geeignet sind, und erst in zweiter Linie und zum geringeren Teile aus Maschinen, die fuer das Drucken von Zeitungen geeignet sind. In den Faellen, in denen der Anteil der zum Drucken von Zeitungen verwendeten Anlage gegenueber dem fuer allgemeine Druckarbeiten verwendeten verhaeltnismaessig klein ist, kann dem Eigentuerer gestattet werden, die Gesamtanlage in seinem Besitz zu behalten. In diesem Falle kann ihm Gelegenheit gegeben werden, mit den Lizenztraegern Werkvertraege fuer den Druck ihrer Zeitungen abzuschliessen. Derartige Vortraege unterliegen den fuer freiwillige Pachtvertraege in der gegenwaertigen Mitteilung festgesetzten Bedingungen.

9. Alle Zwangspachten muessen eine Bestimmung dahingehend enthalten, dass der Pachtvertrag durch die Militaerregierung jederzeit ohne vorherige Kuendigung aufgehoben werden kann.

10. In Faellen, in denen sich das Vermoegen eines in Absatz 2 beschriebenen Eigentuerers nur deshalb unter der Verwaltung des Amtes fuer Vermoegenskontrolle befindet, damit es im Wege der Zwangspacht einem Zeitungslicenztraeger der Information Control Division zur Verfuegung gestellt werden kann, sind alle auf Grund dieser Pacht faelligen Pachtzinsen und sonstige dem Eigentuerer rechtmassig zustehende Ertraege diesem freizugeben. Die Tatsache, dass der Vermoegensgegenstand einem Treuhaender untersteht, bewirkt als solche nicht, dass kuenftige Pachtszahlungen des Lizenztraegers der Information Control Division sowie sonstige Erloese oder Ertraege des betreffenden Vermoegensgegenstandes, welche dem Eigentuerer rechtmassig zustehen, der Verwaltung durch das Amt fuer Vermoegenskontrolle oder der Beschlagnahme gemass Gesetz Nr. 52 der Militaerregierung unterliegen.

11. Mit Erloeschen oder Beendigung eines Zwangspachtvertrages obliegt es dem Eigentuerer, die noch nicht amortisierten Kosten fuer Ausbesserungen und Verwendungen an dem Vermoegensgegenstand sowie fuer in diesem angelegte Kapitalbeträge zu bezahlen, beziehungsweise zur Zahlung zu uebernehmen, soweit derartige Aufwendungen in der Zeit gemacht wurden, waehrend welcher der Gegenstand unter der Verwaltung des Amtes fuer Vermoegenskontrolle stand. Alle mit der Anlage verbundenen Vorrichtungen sowie alle Ersatzbeschaffungen von Maschinen und anderen Einrichtungen, die von dem Zeitungslicenztraeger vorgenommen wurden, fallen an den Eigentuerer und gehen in dessen Eigentum ueber. Diesbezugliche Bestimmungen muessen in allen Zwangspachtvertraegen enthalten sein. Diese Mitteilung dient zur Vorankuendigung der Revision des Titel 21.

AUF ANWEISUNG DES MILITAERGOUVERNEURS:

(sgd) G. H. Garde

G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948

LICENSED GERMAN PRESS

ANNEX I

OFFICE OF MILITARY GOVERNMENT FOR GERMANY (U.S.)
Office of the Military Governor
Berlin, Germany
APO 742

AG 000.76 (IS)

SUBJECT: Leases in Behalf of IS Licensed Newspaper Publishers

TO : Directors, Office of Military Government for Bavaria
Office of Military Government for Wuerttemberg-Baden
Office of Military Government for Hesse
Office of Military Government for Bremen
Office of Military Government for Berlin Sector

1. Reference and reaffirmation:

Letter, OMGUS, "Advance Notice of Amendment to Title 21 - Procedure for the Retention or Taking of Property Control Custody of Certain Properties Operated or Required for Operation by Newspaper Licensees of the Information Control Division," AG 601 (IC), 20 September 1947 is hereby reaffirmed.

2. Whereas it was specifically provided in subject AG Letter that a mandatory (involuntary) lease was to be concluded by Military Government in instances when a voluntary lease had not been concluded by thirty (30) days after the licensee's first offer to negotiate a lease (Paragraph 3), the conclusion of such leases has in many instances been unduly delayed.

3. You are hereby authorized and directed to initiate such action as may be necessary in order to execute all leases pending in your Land in connection with subject AG Letter by 31 January 1949. It is understood that execution of certain of the pending leases has been delayed because denazification proceedings against owners of the properties involved have not yet been concluded. You are hereby instructed that subject AG Letter of 20 September 1947 is to apply to such cases, and mandatory leases are to be executed forthwith in such cases, within the terms of subject AG Letter, unless voluntary leases can be obtained. Voluntary leases in pending cases involving owners against whom denazification proceedings have not yet been concluded, will be entered into by the custodian with the written approval and ratification by the owner of the terms of the lease. This provision will not prejudice or affect the validity of leases already entered into in connection with subject AG Letter of 20 September 1947.

4. The authority to take properties into custody, contained in AG Letter 601, will not be exercised after 31 January 1949. Thereafter, no properties will be taken into custody for the sole purpose of executing a lease with a newspaper licensee. In the interim, until 31 January 1949, with the exception of properties operated or required for operation by newspapers already licensed by Information Services Division, no properties shall be taken into custody for such purpose.

BY DIRECTION OF THE MILITARY GOVERNOR:


(sgd) G. H. Garde


G. H. GARDE
Lieutenant Colonel, AGD
Adjutant General

NOVEMBER 1948

OCCUPIED AREAS OF GERMANY

WITH ZONES AND LAENDER


 U.S. AND BRITISH OCCUPIED AREAS


 HEADQUARTERS, MILITARY GOVERNMENT

OMG
 OFFICE OF MILITARY GOVERNMENT (U.S.)

CCG (BE)
 CONTROL COMMISSION FOR GERMANY (BRITISH ELEMENT)

GMZFO
 GOUVERNEMENT MILITAIRE ZONE FRANCAISE D'OCCUPATION



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